(FOR IMMINENT DANGER OR HARM)

I - 11726

### ag mon

OHIQ DEPARTMENT OF NATURAL RESQUECES DIVISION

2050 E. Wheeling Ave. Cambridge OHIO

TO: A MERICAN MILL ROATH DISCOVERY DATE: APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM: The operator tailed to conduct coal mining operations so as to prevent additional countributions of suspended solids to strongflow outside the permit by allowing unicontrolled discharge of coal shurry insto. Copting Crook 8/26/05 (A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cease all slurry pumping in the pipelines between D-425 & D-360 until a spill prevention plan is approved by the modified 8/26/05 sec attachment) TIME: 4'00 DATE: 8-23 (B) REMEDIAL ACTION & ABATEMENT TIME: Work IN CONTUNCTION with ODNR & OEPA to complete the dean-up and restoration of the affected portions of Captine Creek and all surface areas result of the slurry spill and it's subsequent clean-up. TIME: 4.00 3.00. DATE: 8-28-SERVED TO: Authorized Representative -12/2005 EXTENDED TO: 5 Mailed 10/27/05 Served to: 19 2005 To: MODIFIED? Mailed 09/16/05 ( ) NON-COMPLIANCE: ACATED: TERMINATED: p.m. e reverse side for Civil Penalty Assessment Philitre to Comply and Instructions for Appeal.

## CIVIL PENALTY ASSESSMENTS

Where a violation of a permitteendition or any provision of Chapter 1513. of the Revised Code has occurred, a civil penalty of #5000.00 PER DAY shalf be assessed until the necessary corrective steps are initiated. Also, a civil penalty of up to \$5000.00 PER DAY may be assessed for each day the violation continues.

#### **FAILURE TO COMPLY**

Failure to correct any violation for which this Cessation Order was issued, within the time permitted for its correction, shall result in a civil penalty assessment of at least \$750.00 PER DAY for each day the violation continues beyond the prescribed abatement period.

Failure to comply with any remedial action required by this Cessation Order, even where a violation of a permit condition or any provision of Chapter 1513. of the Revised Code has not occurred, may result in initiation of a civil or criminal action.

#### 

Review of this Cessation Order may be obtained by filing a notice of appeal with the Reclamation Board of Review, Ohio Department of Natural Resources, 1855 Fountain Square Court, Suite 124, Building H, First Floor, Columbus, Ohio 43224, within thirty days after this Cessation Order is served, and by filing a copy of the notice of appeal with the Chief of the Division of Reclamation, Ohio Department of Natural Resources, 1855 Fountain Square Court, Building H, Columbus, Ohio 43224, within three days after filing the notice of appeal with the Board. The notice of appeal must contain a copy of this Cessation Order and the grounds upon which the appeal is based. Further provisions governing the review of the Cessation Order, including request for temporary relief, are found in section 1513.13 of the Revised Code and rule promulgated thereunder.

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WITH DESIRED E WITH A STATE OF THE WAR TO STATE OF THE ST

ODNA-DMAM

AMERICAN ENERGY CORPORATION,

Case No. RC-06-002

Appellant,

Review of Civil Penalty Assessment

12367: Permit D-425

DIVISION OF MINERAL RESOURCES

2W-

MANAGEMENT.

Appellee.

PLEASE TAKE NOTICE that a hearing in the above-captioned matter will be held before the Reclamation Commission on June 8, 2006, at 10:00 a.m.

HIEARING LOCATION:

Belmont Technical College Board Room 120 Fox Shannon Place St. Clairsville, Ohio 43950 [740] 695-9500

A site view will be conducted at 2:00 p.m. on June 7, 2006. Please meet at the main entrance to Belmont Technical College at that time, to be transported to the area at issue.

Failure to appear at the hearing will result in a determination of the issues against you. Pursuant to Obio Administrative Code Section §1513-3-11(A)(4) all pretrial motions must be in writing and must be filed at least five (5) days prior to hearing.

PLEASE NOTE THE FOLLOWING: (1) Because of the legal nature of proceedings before the Commission, Appellant may wish to seek representation by an attorney: (2) The Appellee-Division will be represented by an Assistant Attorney General who may call witnesses and present evidence on behalf of the Division; and (3) Pailure to comply with the jurisdictional requirements of O.R.C. §1513.02(E)(3) and §1513.13(A), and relevant regulations, in a timely manner will lead to the dismissal of these manters without a hearing

LINDA WILRIELM

Hearing Officer (614) 262-1269

DISTRIBUTION:

Michael B. Gardner

Via Fax [216-765-2654] & Certified Mail #: 7000 0600 0028 2172 5769

Robert Eubanks

Vis Fax [614-268-8871] & Inter-Office Certified Mail #: 6227

## CESSATION ORDER (FOR IMMINENT DANGER OR HARM)

I - 11726



# DIVISION OF RECLAMATION Resumes My.

2050 E. Wheeling Ave. Cambridge OHIO

| TO: A MERICAN ENERGY CORTORATION PERMIT NO: D-0425   |
|--|
| ADDRESS: 43521 MAY HUGH HILL ROA THE DISCOVERY DATE:  REALLS VILLE, OHIO 43716  10:000000000000000000000000000000000   |
| BEALLSVILLE, OHIO 437/6 10:00 Aug. 23, 192005  |
| APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); /5/3.16/A/ 1/501:13-9-04/A  |
| DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:   |
| The operator failed to conduct coal mining operations so as to prevent additional  |
| contributions of suspended solids to streamflow outside the parmit by allowing the   |
| uncontrolled discharge of coal slurry into Captina Creek.  |
| Discontinue of the state of the |
|  |
| (A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cross all stury pumping in the pipelines   |
| between D-425 & D-360 until a spill presention plan is approved by the Division.   |
|  |
| (modified 8/26/05 secretarchment) TIME: 4:00 mm DATE: 8-23 2005  |
| (B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR & CEPA to complete   |
| the chantop and restocation of the affected partions of Capting Creek and all surface areas  |
| distorbed as a result of the story spill and it's subsequent clean-up.   |
| TIME: 4:00 DATE: 5-28- 3005  |
| SERVED TO: My Manny 8/23/25- Authorized Representative TIME: 427 a.m. DATE 5-23-0  |
|  |

# CESSATION ORDER (FOR IMMINENT DANGER OR HARM)

I - 11726



DIVISION MINICAL MATION MINICAL MATION Reported MATION

2050 E Wheeling Ave. Cambridge OHIO

| TO: A MERICAN ENERGY CORTORATION PERMIT NO: D-0425  |
|---|
| ADDRESS: 43521 MAY HUGH HILL ROA THE DISCOVERY DATE:  |
| BEALLSVILLE, OHIO 437/E 10:00 Aug. 23, 10:2005  |
| APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16/A/ 1501.13-9-04/A/   |
| DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE 'HEALTH-OR-SAFETY-OF-THE-PUBLIC, OR IS-GAUSING, OR-CAN-REASONABLY-BE-EXPECTED TO-CAUSE, A-SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:   |
| The operator failed to conduct coal mining operations so as to present additional   |
| contributions of suspended solids to streamflow outside the permit by allowing the uncontrolled discharge of coal slurry into Captina Creek,  |
|   |
| 8/26/05 (A) REMEDIAL ACTION & ABATEMENT TIME: Immediately cross will stury pumping in the pipulines  between D-425 & D-360 until a spill presention plan is approved by the Division.   |
|   |
| (modified 8/26/05 sec cuttachment) TIME: 4:00 pm DATE: 8-23 2005  |
| (B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with CONR & CEPA to complete  |
| The draw-up and restocution of the affected portions of Capting Creek and all surface areas   |
| disturbed as a result of the sturry spill and it's subsuquent clean-up.   |
| TIME: 4:00 pm DATE: 8-28- 3005  |
| SERVED TO: Ky M Munny 8/2 3/25 Authorized Representative TIME: 4:07 a.m. DATE 5-23-0  |
| X EXTENDED TO: 5:00 - 10-12, 2005 (X EXTENDED TO: 5:00 - 11-15, 2005  |
| Served to: Date: Served to: Mailed 10/27/05  By: Date: 9-13-05By: Date: |
|   |
| MODIFIED: August 26 , 19 2005 To: Ry Mlussy By: J. Fisher () NON-COMPLIANCE:p.m, 19 To: By:   |
| VACATED:  |
| TERMINATED:   |
|   |

#### CESSATION ORDER (FOR IMMINENT DANGER OR HARM)

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I - 11726



OF RECLAMATION Report of the Reclamation Report of the Rectamation Report of the Repor

2050 E. Wheeling Ave. Cambridge OHIO

| TO: A MERICAN ENERGY CORTORATION PERMIT NO: D-0425   |
|--|
| ADDRESS: 43521 MAY HUGH HILL ROA THE DISCOVERY DATE:  BEALLSVILLE, OHIO 43016  10:00 AMBRICAN ENERGY CORTORATION PERMIT NO: D-0425   |
| BEALLSVILLE, OHIO 43716 10:00 Aug 23, 10:005   |
| APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.16/A/ 1/1501.13-9-04/A/  |
| DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM: |
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| contributions of suspended solids to strainflow outside the paint by allowing the  |
| uncontrolled discharge of coal slurry into Captina Creek.  |
| 8 26 05  |
| (A) REMEDIAL ACTION & ABATEMENT TIME: Immediately crase all story pumping in the pipalines   |
| Detween D-425 & D-360 until a spill presention plan is appround by the Division.   |
| (mod. Field 8/26/05 seccuttuchment) TIME: 4:00 a.m. DATE: 8-23 2005  |
| (B) REMEDIAL ACTION & ABATEMENT TIME: West in conjunction with ODNR & GEPA to complete   |
| the dean up and restocution of the affected partions of Captine Creek and all surface arens  |
| disturbed as a result of the sturry spill and it's subsequent clean-up.  |
| TIME: 4:00 DATE: 5-28- 3005  |
| SERVED TO: Ly Manny 8/2 3/35- Authorized Representative TIME: 4:10-10. DATE 5-23-05  |
| X EXTENDED TO: 5:00 - 10-12, 2005 (XEXTENDED TO: 5:00 - 11-15, 13005   |
| Served to:   |
| By: 9, 92, 00 Date: 1713-18By: 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1,  |
| MODIFIED: As J. Felay  NON-COMPLIANCE: p.m. 19 Mailed 09/16/05  By: J. Felay  NON-COMPLIANCE: p.m. 19 Mailed 09/16/05  By: Mailed 09/16/05   |
| a.m.   |
| EXTENDED TO: 5'00 d.m. 1-20 300 EXTENDED TO:, 19, 19,  |
| Served to: Date:   |
| By: Date: Date: Date:  |

# REVIEW OF REQUEST FOR EXTENSION OF TIME NOV # /IHCO # 11726

| Permittee<br>Address 43  | Name<br>3521 1         | May hugh Hill Rood Beallsville 43716  Phone No. 740-926-9152   |
|--|------------------------|--|
| NOV/IHCO NOV | Disco<br>Abat          | ement Date 8/23/05 Current Abatement Date 4/30/06  Cement Date 5/31/06 Permit No. D-0425   |
| request an   | nd de<br>R <i>ee</i> r | the violation or attach a copy of the NOV/ICHO to this scribe the progress made to date in abating the violation:    Submitted , Second Set of Revisions Mailed 4/19/06  |
|  |                        | RENTLY REVIEWING ZEVISIONS IFICATIONS OCCURRED IN NOVEMBER   |
| TIPEUNE  | 71100                  | CHICATIONS OCCURRED IN NOVEMBER  |
|  |                        |  |
|  |                        | ·  |
|  |                        |  |
|  | E DO                   | RULE BELOW JUSTIFIES THE EXTENSION AND <u>ATTACH THE</u><br>CUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND  |
| 1501: 13-1   | 4-02                   | (B)(3) (Check only one of the following)   |
|  | (a)                    | When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee' valid permit expires for reasons not within the control of the permittee; |
| ·  | (b)                    | When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;  |
|  | (c)                    | When the permittee cannot abate within ninety days due to labor strike;  |
|  | (d)                    | When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm that it would prevent; or   |
|  | (e)                    | When abatement within 90 days requires action that would violate safety standards established by statue or regulation under the Mine Safety and Health Act.  |
| Permitte <sub>e</sub>  | sign7                  | ATURE MelanuMurray DATE 4/25/06  |
| Note:  | Submi<br><u>caler</u>  | it this request to the District Office at least <u>five (5)</u> and and days prior to the current abatement date.  |
|  |                        |  |

| REVIEW | OFR            | REQUEST | FOR   | EXTI               | ENSION | OF | TIME |
|--------|----------------|---------|-------|--------------------|--------|----|------|
|        | $\mathbb{NOV}$ | #       | _ /IH | $\mathbb{CO}_{\#}$ | 11726  |    | ,    |

| Permittee<br>Address _                 | 9 Name<br>43521                     | Maynigh Hill Road Brausville 43716  |
|--|-------------------------------------|---|
| NOV/IHCO<br>Requested                  | Disco<br>1 Abat                     | overy Date $\frac{8/23/05}{4/30/06}$ Current Abatement Date $\frac{3/20/06}{4/30/06}$ Permit No. D $\frac{3/20/06}{4/25}$   |
| request a ARPHAS RE ADDRESSIN ACAIN RE | ind de<br>Se co<br>EN Su<br>G THE I | the violation or attach a copy of the NOV/ICHO to this escribe the progress made to date in abating the violation: HACKED AND 2rd Set of TEVISIONS (PERIOD WEARE CURRENTLY REVISIONS, AND WILL SUBMIT IN A TIMELY MANNER THE ARP WILL WED BY ODNIR DARM. |
| PIPEUNE                                | MODIA                               | FICATIONS OCCURRED IN NOVEMBER  |
|  |                                     |   |
|  | TE DO                               | RULE BELOW JUSTIFIES THE EXTENSION AND <u>ATTACH THE</u><br>CUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND   |
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| <del></del>                            | (c)                                 | When the permittee cannot abate within ninety days due to labor strike;   |
|  | (d)                                 | When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm thit would prevent; or   |
|  | (e)                                 | When abatement within 90 days requires action that would violate safety standards established by statue or regulatiunder the Mine Safety and Health Act.  |
| PERMITTEE                              | BIGNA                               | ATURE Mariay DATE 3/15/06   |
| Note:                                  | Submi                               | t this request to the District Office at least <u>five (5)</u>  |

# CESSATION ORDER (FOR IMMINENT DANGER OR HARM)

I - 11726



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#### DIVISION OF RECLAMATION

Brown Brown Control

| TO:ADDRESS:  |  | for 1 ' con  | PERMIT NO:   | takan menengan kada mengangga |
|--|--|--|--|-------------------------------|
| ADDRESS:   | 11 19 1 11 11  | ale de de de   | DISCOVERY DATE:  |                               |
| <u> </u>   |  |  | a,m.   |                               |
| APPLICABLE STATUTE, RULE, OR I   | PERMIT CONDIT  | ION: O.R.C. 1513.026   | DI(1): 10/8.16/6/ - 15.01-13   | 1 May                         |
|  |  |  | - / ( - / )  |                               |
| DESCRIPTION OF VIOLATION, CONI<br>HEALTH OR SAFETY OF THE PUB<br>SIGNIFICANT, IMMINENT ENVIRON   | LIC, OR IS CAUS  | sing, or can reas  |  |                               |
| The operator Parked by conduct   | ecal manning spec  | lations on on to   | lumorphible of Angles of   |                               |
| constitutions of suspended s   |  |  |  |                               |
| was an install forthering of coal  |  |  | ٠.)  |                               |
| ,  |  |  |  |                               |
|  |  |  |  |                               |
|  |  |  |  |                               |
| A) REMEDIAL ACTION & ABATEMI   | ent time:  | inediately coose all   | Study pumping in the pipel   | را برد بي                     |
| believed 19425   0:360 mills   | a spill present  | bevolupe of malq mor   | by the Division.   |                               |
|  |  |  |  |                               |
|  |  |  |  |                               |
| **************************************   |  |  | 245 <b>3.m</b> :   | erra y esta                   |
|  |  |  | a.m. DATE:   |                               |
| B) REMEDIAL ACTION & ABATEME   | ent time:11.30   |  | ***  |                               |
| B) REMEDIAL ACTION & ABATEME   |  | the mi confinction w   | AS DONE & SUPPLIES COM   | pt le                         |
| the character and restriction of   | t by allowed   | ed no conferentiary or<br>portroves of Explina   | An ODNER SUPPLY be come. Concle and I working an   | pt le                         |
|  | t by allowed   | ek in conjenction or<br>portions of Explina<br>to subscribent than   | the ODNER COMPATE COM<br>Complex and all marking com-<br>amp   | pt te<br>tecp                 |
| the charrop and pertocution of   | t by allowed   | ek in conjenction or<br>portions of Explina<br>to subscribent than   | An ODNER SUPPLY be come. Concle and I working an   | pt te<br>tecp                 |
| the character and restoration of the state o | t by alledon   | the instance of the following of the tenth of tenth of the tenth of t | Order and of marion of any portion of the composition of the compositi | 197                           |
| Abor character speed restriction of the State of the Stat | t by allowed   | the instance of the following of the tenth of tenth of the tenth of t | TIME: DATE:  | 197                           |
| the channel and restoration of the state of  | t by alledon   | the instantions of positions of positions of Captions of Captions of Captions  TIME: 4.  | Cred and I so for the composition of the compositio | 197                           |
| And the second and restoration of the second | har al (reled har) s   | Authorized Répresentation  | TIME: P. DATE: DATE: DATE:   | ,19°                          |
| Description of the state of the | by alfred by a lead of the second by a lead of the sec | Authorized Répresenta  | TIME: DATE: DATE: DATE: O: p.m.  | 7.19°C                        |
| ERVED TO:    A.m.   p.m.   erved to:   | BY:  | Authorized Répresenta  | TIME: DATE:  | 719                           |
| ERVED TO:  a.m. p.m.  erved to:  | BY:  | Authorized Répresenta  | TIME: DATE:  | 719                           |
| ERVED TO:    A.m.   p.m.   p.m.     y:   | BY:  | Authorized Répresenta  ( ) EXTENDED T  Served to:  By:   | TIME: DATE:  | 7.19                          |
| ERVED TO:    A.m.   p.m.   p.m | BY:  | TIME: Y  Authorized Répresenta  ( ) EXTENDED T  Served to:  By:  | TIME: DATE:  | , 19                          |
| Description of the description o | BY:  | TIME: Y  Authorized Répresenta  ( ) EXTENDED T  Served to:  By:  | TIME: DATE:  | , 19                          |
| SERVED TO:  DEXTENDED TO:  Description:  a.m. p.m.  Served to:  By:  | BY:  | Authorized Répresenta  ( ) EXTENDED T  Served to:  By:  To:  | TIME: A.m. DATE: D | 719                           |
| ERVED TO:    A.m.   p.m.     erved to:   y:       NON-COMPLIANCE:   p.m.     ACATED:   | BY:  Date:  19  19  19  19   | Authorized Répresenta  ( ) EXTENDED T  Served to:  By:  To:  To:   | TIME: A.m. DATE: D | , 19                          |

| REVIEW | $\mathbb{OF}$ | REQUEST | FOR   | EXTE               | ENSION | $\mathbb{OF}$ | TIME |
|--------|---------------|---------|-------|--------------------|--------|---------------|------|
|        | NO            | V #     | _ /IH | $\mathbb{CO}_{\#}$ | 11726  |               |      |

| Permittee<br>Address <u>4</u> | Name<br>3521         | American Energy Corporation Phone No. 740-926-915 Maynigh Hill Road Bealisville 43716  |
|-------------------------------|----------------------|--|
| NOV/IHCO [<br>Requested       | Disco<br>Abat        | very Date $\frac{8/33/05}{4/30/06}$ Current Abatement Date $\frac{3/30/06}{2}$ ement Date $\frac{4/30/06}{2}$ Permit No. $\frac{1}{100}$   |
| request ar                    | nd de<br>E a<br>W Su | the violation or attach a copy of the NOV/ICHO to this scribe the progress made to date in abating the violation: ttached  RMITTED AND 2rd Set of revisions received WEARE CURRENTLY   |
|                               |                      | REVISIONS, AND WILL SURMIT IN A TIMELY MANNER THE ARP WILL   |
| PIPEUNE                       | MONIE                | - ICATIONS OCCURRED IN MOVEMBER  |
|                               |                      |  |
|                               |                      |  |
|                               | E DO                 | RULE BELOW JUSTIFIES THE EXTENSION AND <u>ATTACH THE</u><br>CUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND  |
| 1501: 13-1                    | 4-02                 | (B)(3) (Check only one of the following)   |
|                               | (a)                  | When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee' valid permit expires for reasons not within the control of the permittee; |
|                               | (b)                  | When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;  |
|                               | (c)                  | When the permittee cannot abate within ninety days due to labor strike;  |
|                               | (d)                  | When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm that it would prevent; or   |
|                               | (e)                  | When abatement within 90 days requires action that would violate safety standards established by statue or regulatio under the Mine Safety and Health Act.   |
| PERMITTEE 8                   | e I GNA              | TURE Melanu Murray DATE 3/15/06  |
| Note: S                       | Submi                | t this request to the District Office at least <u>five (5)</u> <u>idar</u> days prior to the current abatement date.   |

| REVIEW | OFI | REQUEST | FOR    | EXTE                        | ENSION | OF | TIME |
|--------|-----|---------|--------|-----------------------------|--------|----|------|
|        | NOA | 7 &     | _ /IIH | $\mathbb{CO}_{\cancel{\#}}$ | 11726  | -  |      |

| Permitte<br>Address    | e Nam<br>4352/      | e American Energy Corp Phone No. 926 9152<br>Maybugh Hill Par Brallsuille 01+ 43716  |
|------------------------|---------------------|--|
| NOV/IHCO<br>Requeste   | Disco<br>d Aba      | overy Date $\frac{8/33/05}{31/06}$ Current Abatement Date $\frac{4/30/06}{5}$ tement Date $\frac{50/06}{5}$  |
| request a              | and de              | the violation or attach a copy of the NOV/ICHO to this escribe the progress made to date in abating the violation: PLETE BUT IS ON HOLD BY ODNE ONCE ARPIS ISSUED,   |
|                        |                     |  |
|                        |                     |  |
|                        |                     |  |
|                        |                     |  |
| appropria<br>Enforceme | <u>TE DC</u><br>NT. | rule below justifies the extension and <u>attach the</u><br>ocumentation as described in P.P.D. 93-5, inspection and   |
| <u> 1501: 13-</u>      | 14-02               | (B)(3) (Check only one of the following)   |
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| ***********            | (c)                 | When the permittee cannot abate within ninety days due to labor strike;  |
|                        | (d)                 | When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm thait would prevent; or   |
|                        | (e)                 | When abatement within 90 days requires action that would violate safety standards established by statue or regulatio under the Mine Safety and Health Act.   |
| Permittee              | BIGN                | ATURE Melany Murray DATE 6/23/06   |
| Note:                  | Submi               | it this request to the District Office at least <u>five (5)</u> and and and an area of the current abatement date.   |

740 432 7711 -> JACKSON DMR; Page 1

ODNR

PAGE 01/03

entered 9-16-05

(FOR IMMINENT DANGER OR HARM)

I - 11726

OHIO DEPARTMENT OF NATURAL RESOURCES

| TO: A MERICAN ENERGY CORTORATION PERMIT NO: D-0425   |
|--|
| ADDRESS: 43521 MAY HUGH HILL ROA THE DISCOVERY DATE:   |
| BEALLSVILLE, OHIO 437/E 10:00 Aug. 23, 162005  |
| APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); /5/3.16/4/ 1/1501:13-9-04/A/  |
| DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMMINENT DANGER TO THE HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE EXPECTED TO CAUSE, A SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM: |
| The operator failed to conduct coal mining operations so as to president additional  |
| contributions of suspended solids to stroomflow outside the parmit by allowing the   |
| unicontrolled discharge of coal starcy into Captina Creek.   |
|  |
| 8 36 00  |
| (A) REMEDIAL ACTION & ABATEMENT TIME: Immediately conse wil slury pumping in the pipelines   |
| Detrucen D-425 & D-360 until a spill presention plan is approved by the Division.  |
| (modified 8/26/05 sec attachment) TIME: 4:00 pm DATE: 8-23 3005  |
| (B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with CONR & CEPA to complete   |
| the draw-up and restocution of the affected portions of Capting Creek and all surface areas  |
| disturbed as a result of the stury spill and it's subsequent clean-up.   |
| TIME: 4:00 DATE: 8-28- 3005  |
| SERVED TO: My Manny 8/2 3/25- Authorized Representative TIME: 4:57-00. DATE: 5-23-0  |
| EXTENDED TO: 5:00  |
| Served to: Date: Date: Date:   |
| By: 9-13-05By: Date:   |
|  |
| MODIFIED: August 26, 18 2005 To: Ly M Marcon By: De Farland  |
| () NON-COMPLIANCE:p.m, 19 Mailed 09/16/05 By:  |
| VACATED:   |
| TERMINATED:  |

# REVIEW OF REQUEST FOR EXTENSION OF TIME NOV # /IHCO # /1726

| Permittee<br>Address <u>f</u>  | Name<br>13521 M                  | American Energy Corporation Pho<br>Nayhugh Hill Read Bealls VIIIC OH   | one No. 9269152  |
|--|----------------------------------|--|--|
| NOV/IHCO   | Discov                           |  | ent Date <u>1/20/06</u><br>D-0425  |
| Desc<br>request a<br>ARP HAS<br>for an aut<br>the mining<br>Still evalue   | ribe to nd des to maked industry | the violation or attach a copy of the NOV/scribe the progress made to date in abating submitted and revisions received. The revisions in leak defection device. No such device has Current. We have found an expensive system that may work the Spaten. We will have the ARD submitted spent to be reviewed by ODNR. | ICHO to this  If the violation:  Ichology request  Ichology we will red in |
|  |                                  |  |  |
|  | re doc                           | RULE BELOW JUSTIFIES THE EXTENSION AND <u>ATT</u><br>CUMENTATION AS DESCRIBED IN P.P.D. 93-5, IN   |  |
| <u> 1501: 13-</u>  | 14-02                            | (B)(3) (Check only one of the foll   | .owing)  |
|  |                                  | When a permittee has applied, in a timely diligently pursued a permit renewal or oth approval of designs or plans but such rene has not been issued within ninety days aft valid permit expires for reasons not within the permittee;  | er necessary<br>wal or approval<br>er the permittee'                       |
|  | ٠                                | When there is a valid judicial order precluithin ninety days as to which the permitt pursued all rights of appeal and as to whino other effective legal remedy;  | ee has diligently  |
| Walk and the latest a |                                  | When the permittee cannot abate within nir labor strike;   | ety days due to  |
| <del></del>  |                                  | When climatic conditions preclude abatementary or when, due to climatic conditions, ninety days clearly would cause more environt would prevent; or  | abatement within   |
|  |                                  | When abatement within 90 days requires act<br>violate safety standards established by st<br>under the Mine Safety and Health Act.  |  |
| PERMITTEE  | SIGNA                            | TURE Melanu Murray DATE  | 1/12/06  |
| Note:  | Submi                            | t this request to the District Office at I   | east five (5)  |



#### **FAX SHEET**

| TO: John Puterbaugh                        |
|--|
| FAX#: 740-432-7711                         |
| FROM: Melance Murray                       |
| TOTAL # OF PAGES: 3 (Including cover page) |
| EXECUTIVE EDUCATION FAX # 614-292-6644     |
| MESSAGE:                                   |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

110 PFAHL HALL  $\circ$  280 W. WOODRUFF AVENUE  $\circ$  COLUMBUS, OH 43210-1144 TELEPHONE: 614-292-9300  $\circ$  FAX: 614-292-6644  $\circ$  www.cob.ohio-state.edu/execed



### Ohio Department of Natural Resources

Division of Mineral Resources Management 34 Portsmouth Street Jackson, OH 45640-1622



American Energy 43521 May Hugh Hill Rd. Beallsville, OH 43716

## DIVISION OF MINERAL RESOURCES MANAGEMENT ASSESSMENT OFFICER WORKSHEET

| PERMITTEE:           | American Energy                                      | y Corp.   | Permit #:                  | D-0425               |
|----------------------|--|---|----------------------------|----------------------|
| INSPECTOR: <u>J.</u> | Puterbaugh   | INSPECTION DATE:  | 8-23-05                    | NOV#: <u>I-11726</u> |
| HISTORY:             | (For violations                                      | To issued on the same   | OTAL: <b>\$80.00</b>       | ing the last         |
|                      | twelve calendar iolations                            | months.) \$100.00 for eac @ violation   | h duplicati                | _                    |
| 9) Number of V       | violations0  | order   | n lallure c                | o abate cessation    |
| 10) Number of V      | violations 4   | @ \$20.00 each for  | all other                  | violations           |
|                      |  | PROPOSED ASSESS   | MENT TOTAL:<br>Date: 9-20- | \$36080.00<br>05     |
| ******               |  | N OF VIOLATIONS REV   |                            | *****                |
| GOOD FAITH: M        | linus 25% of Ass                                     | sessment Total  |                            |                      |
| 11) YesNO            | <ul><li>the violation</li><li>violation be</li></ul> | mittee take <b>EXTRAOF</b><br>on in the shortest<br>efore the time set<br>od Faith Compliance | possible ti<br>for abateme | me and date the      |
| ******               | *******  | ******  | *****                      | ******               |
|                      | -  | FINAL ASSESS  | MENT TOTAL:<br>DATE:       | \$                   |
|                      |  |   |                            |                      |

NOTE: Any proposed and final assessment of \$500.00 or less may be waived if the violation did not cause irreparable damage or affect public health or safety, and if the violation was abated within the prescribed abatement time. However, any assessment for a violation which was previously cited during the last 12 months on the same permit, for exceeding pint discharge effluent limitations or depositing sediment onto adjacent lands will generally not be waived.

#### DIVISION OF MINERAL RESOURCES MANAGEMENT ASSESSMENT OFFICER WORKSHEET

| M.O   | . V .       | ₩ <u> </u> | -11/2       | 20 PERMIT %: D-0425 CPA # 12367  |        |
|-------|-------------|------------|-------------|--|--------|
| SERI  | OUSN        | ESS:       |             | Total: \$35,8  | 300.00 |
| •     | 1)          | YES        | X           | Did the violation cause damage to permitte   |        |
|       |             | No         |             | unpermitted land? (\$400.00 plus floodplain damag (\$35,000.00 @ \$5,000/day 8/23-8/29: Captina dama   |        |
| 4     | 2)          | Yes        | X           | _ Did the violation cause irreparable or irreverdamage to permitted or unpermitted land? (\$400.0  |        |
|       |             | МО         | <del></del> | _  |        |
| :     | 3)          | Yes        |             | _ Did the violation cause a situation which increase probability of the public health or safety  |        |
|       |             | No         | X           | adversely affected? (\$400.00)   | being  |
| 4     | <i>4</i> .) | Yes        |             | If an administrative violation (e.g. maps, permi   | ts,    |
|       |             | Мо         |             | blast records, failure to notify for inspection purposes, etc.), did the violation obstruct  |        |
|       |             |            |             | enforcement or deny the Division or public the   |        |
|       |             | NA         | x           | opportunity to exercise enforcement or permittin requirements? (\$200.00)  | g      |
| Expla | ain:        | :          |             | <del>-</del> -   | •      |
|       |             | sti        | ream o      | I slurry severely damaged several thousand feet of channel. Water quality & stream habitat were great d. Many aquatic life forms were destroyed.   |        |
| ***   | ***         | ****       | ****        | ************   | *      |
| Negl  | _           | ice:       |             | TOTAL: \$2   | 200.00 |
| •     | YES<br>NO   | X          | — w         | Was the violation avoidable by the exercise of reasonable care? (\$200.00)   |        |
| •     | YES<br>NO   | x          |             | Was the violation a reckless act or a result of recklessness (\$500.00)  |        |
| •     | YES<br>NO   | X          |             | Was the violation knowingly or intentionally committed for economic gain from production (i.e. removal of overburden and/or coal)? (\$2,200.00)    |        |
| Expl  | ain:        | fa         | ilure       | e inspection of the pipeline would have revealed the before the containment dike overtopped. Exercise able care would have prevented the violation |        |

### Civil Penalty Assessment

# Ohio Department of Natural Resources DIVISION OF MINERAL RESOURCES MANAGEMENT 2045 Morse Rd., Bldg. H-3

Columbus, Ohio 43229-6693

September 20, 2005

#### PROPOSED CIVIL PENALTY ASSESSMENT

American Energy Corporation 43521 May Hugh Hill Road Beallsville, OH 43716

#### SUBJECT: PROPOSED CIVIL PENALTY ASSESSMENT NUMBER 12367

For Notice of Cessation Order Number I-11726 Permit Number <u>D-0425</u> issued on August 23, 2005, the permittee is hereby issued a <u>proposed</u> civil penalty assessment in the total amount of \$36,080.00. NO PAYMENT IS REQUIRED UNTIL A <u>FINAL</u> ASSESSMENT IS ISSUED OR AN APPEAL IS FILED WITH THE RECLAMATION COMMISSION.

Failure to abate the Notice of Violation within the prescribed abatement time shall result in an additional civil penalty assessment of at least \$750.00 for each day during which such failure continues, up to thirty (30) days.

Michael L. Sponkler, Chief
Division of Mineral Resources Management

Pursuant to Sections 1513.02 and 1513.13 O.R.C. and 1501: 13-14-03 O.A.C., this assessment may be appealed by filing a notice of appeal and forward the amount of penalty, for placement in a escrow account, with the Reclamation Commission, Ohio Department of Natural Resources, 2045 Morse Rd., Bldg. C-2, Columbus, Ohio 43229 within thirty (30) days after it is issued, and by filing a copy of the notice of appeal with the chief within three (3) days after it is filed with the Reclamation Commission. The notice of appeal shall contain a copy of the civil penalty assessment and worksheets and the grounds upon which the appeal is based.

You may request an informal conference to review the <u>AMOUNT</u> of this assessment by writing to Greg Mills, Division of Mineral Resources Management, 34 Portsmouth Street, Jackson, OH, 45640, within fifteen (15) days after receipt of this assessment. Time allowed for appeal to the Reclamation Commission shall be tolled from time the written request is received to the time the assessment is revised or upheld.

Next Day Air # 1Z 495 258 01 1000 013 0

cc: John Puterbaugh

File

# CESSATION ORDER (FOR IMMINENT DANGER OR HARM)

I - 11726



DIVISION
OF RECLAMATION Mind Resources Mgt.

2000 E Wheeling Ave. Cambridge OHIO

| TO: ATMERICAN ENERGY   | COR                      | ORATION                   | PERMIT NO:                 | 0472                                  |
|--|--------------------------|---------------------------|----------------------------|---------------------------------------|
| ADDRESS: 43521 MAY HU  | 16H Hi                   | LL ROA Tul. 8             | DISCOVERY DAT              | E:                                    |
| BEALLSVILLE, OH  | tio 43%                  | 016                       | 10.00 p.m. Aug.            | <u>23</u> , 19 2005                   |
| APPLICABLE STATUTE, RULE, OR PERM  |                          |                           |                            | 1                                     |
| DESCRIPTION OF VIOLATION, CONDITIO<br>HEALTH OR SAFETY OF THE PUBLIC, O<br>SIGNIFICANT, IMMINENT ENVIRONMENT | OR IS CAUSIN             |                           |                            |                                       |
| The operator failed to conduct coal n  | nining operat            | mong so as to preve       | nt additional              |                                       |
| contribution, of suspended solids  |                          | ·                         |                            | he                                    |
| uncontrolled discharge of coal shore   |                          |                           | J .                        |                                       |
|  |                          |                           |                            |                                       |
| 8)76/05<br>(A) REMEDIAL ACTION & ABATEMENT T   | IME: Ima                 | nediately cross all stur  | of pumping in the          | pipalnes                              |
| between D-425 & D-360 until a s  | pill presentic           | u plan is approved by     | the Division.              |                                       |
|  |                          |                           | 0 m - 57                   |                                       |
| (modified 8/26/05 sec attachment)  |                          | `                         | DATE S-2                   | · · · · · · · · · · · · · · · · · · · |
| (B) REMEDIAL ACTION & ABATEMENT T  | IME: Werk                | in conjunction with c     | DDNR & CEPA to             | complete                              |
| the draw-up and restocution of the   | k affected po            | ections of Captine Cree   | k and all surface          | e areas                               |
| distorbed as a result of the sturry =  | spill and its            | ~                         | i i                        |                                       |
|  |                          | TIME: 4:00                | DATE: 8                    | 28- 3005                              |
| SERVED TO: Ly Monny  | _8/23/25-<br>BY:         | Authorized Refreservative | TIME: 4279.m.              | DATE \$ 23-0                          |
| (x) EXTENDED TO: 5:00 (27). 10 -   | 12000                    | To be properties to       | - 100 - <del>2.m.</del> // | - 15 13005                            |
| CONTENDED TO: 2:00 Cm. 10  | Ta, occur                | Served to: Mailed         | 10/27/05                   | ł                                     |
| Served to:  By:   Pirtal   | Date: 9-13.              | OSBy: J. Postay           |                            | Date:<br>Date: <b>/O-/3-0</b> 5       |
|  |                          | D was sold                | , n -                      | 011                                   |
| MODIFIED: August 26  | , 10 <u>7005</u><br>Mail | í To:                     | O                          | was                                   |
| a.m. p.m.  | , 19                     | To:                       | By:                        |                                       |
| EXTENDED TO: 5:00 a.m. 1-2   | 0 200                    | EXTENDED TO:              | a.m.<br>p.m                | , 19                                  |
| Served to: Mailed 11/23/05   |                          | _ Served to:              |                            |                                       |
| Putal  | Date: 1/-2/              | 05 <sub>By:</sub>         |                            | Date:                                 |
| EXTENDED TO: 5:00 3-2  | 20 200                   | EXTENDED TO:              | a.m.<br>p.m                | , 19                                  |
|  |                          | _ Served to:              |                            |                                       |
| By: De Paris   | _ Date = 87              | 06By:                     |                            | Date:                                 |
| HADDIEJED.   | 19                       | _ То:                     | By:                        |                                       |
| a.m.   |                          |                           |                            |                                       |
| NON-COMPLIANCE:p.m.  |                          |                           |                            |                                       |
|  |                          | If no, explain            |                            |                                       |
| VACATED:   | , 19                     | _ To:                     | By:                        |                                       |
| TERMINATED:  | , 19                     | 10:                       |                            |                                       |
|  |                          |                           |                            |                                       |



## CESSATION ORDER (FOR IMMINENT DANGER OR HARM)

I - 11726



## DIVISION OF RECLAMATION Results My.

2050 E. Wheeling Ave. Cambridge OHIO

| TO: AMERICAN ENERGY CORPORA  | ron PERMIT NO: D-0425                    |
|--|--|
| ADDRESS: 43521 MAY HUGH HILL R   | 04 The DISCOVERY DATE:                   |
| TO: AMERICAN ENERGY CORBRADORESS: 43521 MAY HUGH HILL R<br>BEALLSVILLE, OHIO 4371E   | 10:00 p.m. Aug. 23 , 16 2005             |
| APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C.  |  |
| DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THA<br>HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR C<br>SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM: |  |
| The operator failed to conduct coal mining operations so   |  |
| contribution of suspended solids to stroomflow out   | side the parmit by allowing the          |
| uncontrolled discharge of coal slurry into Captina Cree  | <u> </u>                                 |
| j  |  |
| 012:105  |  |
| 8/26/05 REMEDIAL ACTION & ABATEMENT TIME: Immediately  | crace all stury pumping in the pipelines |
| Detroca D-425 & D-360 until a spill presention plan is   | '  |
| - ' '  |  |
| (modified 8/26/05 sec attachment)  | TIME: 4:00 DATE: 8-23 2005               |
| (B) REMEDIAL ACTION & ABATEMENT TIME: Work in con-   | $\smile$                                 |
| the draw-up and restocution of the affected positions of   |  |
| disturbed as a result of the stury spill and it's subse  | 1  |
| , ,  | TIME: 4:00 pm. DATE: 8-28- 3005          |
| D 00 00 31 - 15- 1 12  |  |
| SERVED TO: My Marroy 3/2 3/25-<br>Author   | zed Representative                       |
| X EXTENDED TO: 5:00 - 10-12, 2005 ( ) EX   | TENDED TO:, 19                           |
| Served to: Date: Served  | to: Date:                                |
| By: J. Tila Date: 9-13-05By:   | Date:                                    |
|  | 0 110 5                                  |
| MODIFIED: August 26 , 18 2005 To: _  | Ky M Menony By: J. Varlay                |
| NON-COMPLIANCE:, a.m, 19 Mailed 09/  | 16/05 O By:                              |
|  | By:                                      |
| <b>TERMINATED:</b>   | By:                                      |
|  |  |

| REVIEW | OF REQUEST | FOR EXTENSION | OF TIME |
|--------|------------|---------------|---------|
|        | NOV #      | /IHCO # 11726 |         |

| Permittee<br>Address <u>f</u> | Name<br>1352/ | American Energy Corp Phone No. 9269152<br>Mayhugh Hill Pd Bedllsville OH 43716   |
|-------------------------------|---------------|--|
| NOV/IHCO<br>Requested         | Disco<br>Abat | very Date $8/33/05$ Current Abatement Date $5/31/06$ ement Date $6/30/06$ Permit No. $0.0425$  |
| request a                     | nd de         | the violation or attach a copy of the NOV/ICHO to this scribe the progress made to date in abating the violation: PLETE BUT IS ON HOLD BY ODNR. ONCE ARP IS ISSUED,  |
|                               |               |  |
|                               |               |  |
|                               |               |  |
|                               | TE DO         | RULE BELOW JUSTIFIES THE EXTENSION AND <u>ATTACH</u> THE CUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND   |
| 1501: 13-                     | 14-02         | (B)(3) (Check only one of the following)   |
|                               | (a)           | When a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee' valid permit expires for reasons not within the control of the permittee; |
|                               | (b)           | When there is a valid judicial order precluding abatement within ninety days as to which the permittee has diligently pursued all rights of appeal and as to which he or she has no other effective legal remedy;  |
|                               | (c)           | When the permittee cannot abate within ninety days due to labor strike;  |
|                               | (d)           | When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm that it would prevent; or   |
|                               |               | When abatement within 90 days requires action that would violate safety standards established by statue or regulatic under the Mine Safety and Health Act.   |
| PERMITTEE                     | SIGN          | ATURE Melanu Murray DATE 5/05/06   |
| Note:                         | Submi         | () it this request to the District Office at least <u>five (5)</u> idar days prior to the current abatement date.  |

| RE                               | VIEW OF REQUEST FOR EXTENSION OF TIME  |
|----------------------------------|--|
|                                  | NOV# /IHCO#11726   |
| Permittee A<br>Address <u>43</u> | Jame American Energy Corp Phone No. 4269152 521 Mayhugh Hill Rd Beallsville 01+ 43716  |
|                                  | scovery Date   |
| request and                      | be the violation or attach a copy of the NOV/ICHO to this describe the progress made to date in abating the violation: omplete But is on Hold By ODNR. OMCE ARPIS ISSUED,  |
|                                  |  |
|                                  |  |
|                                  | ICH RULE BELOW JUSTIFIES THE EXTENSION AND <u>ATTACH THE</u> DOCUMENTATION AS DESCRIBED IN P.P.D. 93-5, INSPECTION AND .   |
| 1501: 13-14                      | -02 (B)(3) (Check only one of the following)   |
| <u> </u>                         | when a permittee has applied, in a timely manner, for and diligently pursued a permit renewal or other necessary approval of designs or plans but such renewal or approval has not been issued within ninety days after the permittee' valid permit expires for reasons not within the control of the permittee; |
|                                  | <ul> <li>b) When there is a valid judicial order precluding abatement<br/>within ninety days as to which the permittee has diligently<br/>pursued all rights of appeal and as to which he or she has<br/>no other effective legal remedy;</li> </ul>   |
| (                                | c) When the permittee cannot abate within ninety days due to labor strike;   |
| (                                | d) When climatic conditions preclude abatement within ninety days or when, due to climatic conditions, abatement within ninety days clearly would cause more environmental harm tha it would prevent; or   |
| (                                | e) When abatement within 90 days requires action that would violate safety standards established by statue or regulatio under the Mine Safety and Health Act.  |
| Permittee si                     | CHATURE Melanu Muray DATE  |
| Note: St                         | Ushmit this request to the District Office at least <u>five (5)</u> <u>lendar</u> days prior to the current abatement date.  |

#### **CESSATION ORDER**

(FOR IMMINENT DANGER OR HARM)

DNR 6801

I - 11726

# ODNR OHIO DEPARTMENT O

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425

OF RECLAMATION Minuted Resources May

2050 E. Wheeling Ave. Cambridge OHIO

| ADDRESS: 43521 MAY HU  | 16H HIL                                | ( ROA TW. 01   | DISCOVERY DATE:             |                |
|--|--|--|-----------------------------|----------------|
| BEALLSVILLE, OF  | 410 437                                |  | 10:00 p.m. Aug. 23 , 16 200 | 25             |
| APPLICABLE STATUTE, RULE, OR PERM  | IIT CONDITION                          | N: O.R.C. 1513.02(D)(1);   | 1513.16/A/ 1501:13-9-04/A)  | <u>'</u>       |
| DESCRIPTION OF VIOLATION, CONDITION HEALTH OR SAFETY OF THE PUBLIC, OSIGNIFICANT, IMMINENT ENVIRONMENT | OR IS CAUSIN                           |  |                             |                |
| The operator failed to conduct coal  | mining operati                         | ong so as to preven  | t additional                |                |
| contributions of suspended solids  | ~                                      |  |                             |                |
| uncontrolled discharge of coal stur  | ti eti ili ilgi ili kara e kulustekkit |  |                             |                |
|  |  |  |                             |                |
|  |  | de filosoficio de período de desemblo de como<br><u>Al pereo do al parto de filosoficio de como de</u> |                             |                |
| 8 76 05<br>(A) REMEDIAL ACTION & ABATEMENT 1   | TIME: Imme                             | diately crase all slum   | pumping in the pipelines    |                |
| between D-425 & D-360 until a  |  |  |                             |                |
| (modified 8/26/05 see attachment)  |  | TIME: 4.'00 &  | DATE: 8-23 200              | <u>-</u><br>25 |
| (B) REMEDIAL ACTION & ABATEMENT 7  | TIME: Work                             | in conjunction with or   | ONR & OEPA to complete      | _              |
| the draw-up and restocation of t   | ne affected por                        | tions of Captine Creek   | and all surface areas       |                |
| disturbed as a result of the stury   | spill and its                          | subsequent clean-up.   |                             |                |
|  |  | TIME: 4:00 0   | DATE: 8-28- 300             | 25             |
| P m m  | 8/13/05- ()                            | .0111  | /11.00m \$7.                |                |
| SERVED TO: Ly // / / / / / / / /   | 8/23/05-<br>BY:                        | Authorized Representative  | TIME: 422                   | 2-90           |
| EXTENDED TO: 5:00 -10 -  | -12/2005                               | (x) EXTENDED TO: 5   | 100 - 11-15-300             | 25             |
| Served to:   | _ Date:                                | Mailed   |                             |                |
|  | Date: 9-13-0                           | A A// / A  | Date: 10-1                  | 1              |
|  |  |  |                             |                |
| MODIFIED: August 26  | 1ø 7005                                | To Ry M My   | By: J. Palas                |                |
| ( ) NON-COMPLIANCE:a.m   |  | ed 09/16/05  | By:                         | -              |
|  |  |  |                             | <u> </u>       |
| EXTENDED TO: 5:00 a.m. 1-8   | 10 200Z                                | EXTENDED TO: 5:0   | 20 4/30,20                  |                |
| Served to: Mailed 11/23/05   | _ Date:                                | Served to: Maifed  | 03-31-06 Date:              |                |
| Bu ( fital   | _ Date: 1/-2/-                         | SBy: J. Tula   | Date: 3                     |                |
| EXTENDED TO: 5:00 3-3  | 20 200                                 | EXTENDED TO: 5   | 5-31 750                    | <u> 20</u>     |
| Served to: Majered 02/09/2   | 16 Date:                               | Served to: Maile   | d 5/12/06 Date:             |                |
| By: J. Parte   | _ Dat <b>2-8-</b> C                    | 16By. J. Fite  | Dates                       | <u>-//-</u> 0  |
| MODIFIED:  | , 19                                   | То:  | By:                         |                |
| NON-COMPLIANCE:p.m.  |  |  |                             | <del></del>    |
|  |  |  |                             | <del></del>    |
| VACATED:   |  |  |                             |                |
| TERMINATED:  |  |  |                             |                |
| I ERMINATED.   | ,                                      |  |                             |                |
|  |  | <u> </u>   |                             |                |

#### **CESSATION ORDER**

(FOR IMMINENT DANGER OR HARM)

I - 11726



DIVISION

OF RECLAMATION Mineral Resources Mgt. 2050 E. Wheeling Ave. Cambridge OHIO

| TO: A MERICAN ENERGY CORPORATION PERMIT  ADDRESS: 43521 MAY HUGH HILL ROA TW. DISCON  BEALLS VILLE, OHIO 437 I E  APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.1 | VERY DATE: a.m. p.m. Aug. 23, 16 2005 |
|---|---------------------------------------|
| BEALLS VILLE, OHIO 4371 (10:00)  APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.1  | a.m. Aug. 23 19 2005                  |
| APPLICABLE STATUTE, RULE, OR PERMIT CONDITION: O.R.C. 1513.02(D)(1); 1513.4   |                                       |
|   | 6/A/ 1/ 1501 · 13-9-04/A)             |
| DESCRIPTION OF VIOLATION, CONDITION, OR PRACTICE THAT IS CREATING AN IMP<br>HEALTH OR SAFETY OF THE PUBLIC, OR IS CAUSING, OR CAN REASONABLY BE<br>SIGNIFICANT, IMMINENT ENVIRONMENTAL HARM:  |                                       |
| The operator failed to conduct coal mining operations so as to prevent add  | litional                              |
| contributions of suspended solids to stroomflow outside the permit by a   | ellowing the                          |
| uncontrolled discharge of coal slurry into Captina Creek.   | )                                     |
|   |                                       |
| (A) REMEDIAL ACTION & ABATEMENT TIME: Immediately crase wil slurry pump   | ing in the pipelines                  |
| between D-425 & D-360 until a spill presention plan is approved by the Di   | ועוסופע,                              |
| (modified 8/26/05 sec attachment) TIME: 4:00 a.m. DA  | TE: 8-23 2005                         |
| (B) REMEDIAL ACTION & ABATEMENT TIME: Work in conjunction with ODNR &   | i                                     |
| the change and restocation of the affected portions of Captine Creek and  | 1                                     |
| disturbed as a result of the stury spill and it's subsequent clean-up.  |                                       |
| TIME: 4:00 am. DA   | TE: 8-28- 3005                        |
|   |                                       |
| SERVED TO: Authorized Representative TIME   | E:492. DATE 3-23-4                    |
| X EXTENDED TO: 5:00 10-12, 2005 (X EXTENDED TO: 5:00  | om, 11-15,13005                       |
| Served to: Date: Served to: Mailed 10/27  | /05 Date:                             |
| By: J. Virla Date: 9-13-05By: J. Portal   | Date: 10-13-05                        |
| D m m   | D Atol                                |
| MODIFIED: August 26 , 18 2005 To: My Munum  a.m. Mailed 09/16/05  | By: J. Tasay                          |
| ( ) NON-COMPLIANCE: p.m. , 19 To:   | By:                                   |
| EXTENDED TO: J. CO. STENDED TO: J. CO.  | 9/30 300                              |
| Served to: Mailed 11/23/05 Date: Served to: Mailed 03-  | 31-06 Date:                           |
| By: Justa Date: 11-2105By: Justan   | Date: 3 - 27                          |
| EXTENDED TO: 5,00 3-20, 2006 EXTENDED TO: 5/60  | 5-31 700                              |
| Served to: Majera 02/09/06 Date: Served to: Mailed 5  | 112/06 Date:                          |
| By: J. Fate Date 28-06By: J. Fitely   | Date: 5-//-                           |
| EXTENDED TO: 5.00 EXTENDED TO:  | a.m. , 19                             |
| Served to: Date: 6-23-06 Served to:   | Date:                                 |
| By: Jula Date & 22-46 By:   | Date:                                 |
| EXTENDED TO:, 19 EXTENDED TO:   | a.m.<br>p.m, 19                       |
|   | Date:                                 |
| Served to: Date: Served to:   |                                       |

\_\_ ,19 \_\_\_

\_\_ To: \_

MODIFIED: \_\_

\_ By: \_

|  |                         |  | a.m. (//:                              | 30 = 00/       |
|--|-------------------------|--|--|----------------|
| EXTENDED TO: 5:00 a.m. 1-2                   | 20 2006                 | EXTENDED TO: 5:00  |  | e in the       |
|  | Date:                   | Served to: Mused 03  | 31-06                                  | Date:          |
| Served to                                    |                         |  |  | Date: 3 3/2/   |
| By:  |                         | The same of the sa | a.m.                                   | 3/ PROCO       |
| EXTENDED TO:                                 | , 19                    | EXTENDED TO:   | <b>p.m.</b>                            |                |
| C  | Date:                   | Served to:   |  | 4              |
| Served to:                                   | Date 8-0                | 6By: 17 Color  | <u> </u>                               | _ Date: 5-//-/ |
| EXTENDED TO: 5:00 am. 6-                     | 30 200                  | *  | a.m.                                   | 19             |
| * Muled                                      |                         | Served to:   |  | **             |
| Served ton Verla                             |                         | 4  |  |                |
| By: a.m.                                     | Date: 6 327             | <b>6</b> <sub>By:</sub>  | a.m.                                   | _ Date:        |
|  | , 19                    | EXTENDED TO:   |  | , 19           |
| Served to:                                   | Date:                   | Served to:   | <u>/</u>                               | Date:          |
| By:  | Date:                   | Ву:  |  | Date:          |
| MODIFIED:                                    | , 19                    | То:  | Ву:                                    |                |
| NON-COMPLIANCE:p.m                           | , 19                    | To:  | By:                                    |                |
| Cessation Order Issued? yes                  | no.                     | If no, explain   |  |                |
| VACATED:                                     | , 19                    | To:  | By:                                    | 3-1-1          |
| TERMINATED: $6-30$                           | 2006                    | To: Trailed 7/12/04  | By ( - 1)                              | (B)            |
| TERMINATED.                                  | 915                     | 10.  | by.                                    |                |
|  |                         |  | ······································ | <del></del>    |
| DNR 6801 Rev. 11/83 See reverse side for Civ | vil Penalty Assessments | , Failure to Comply and Instructions for Appe  | al.                                    |                |

AEC 12165

# CESSATION ORDER (FOR IMMINENT DANGER OR HARM)

I - 11726



# DIVISION OF RECLAMATION Manual Materials (Material)

2050 E. Wheeling Ave. Cambridge OHIO

| TO: AMERICAN ENERGY ADDRESS: 43521 MAY HO   | Y CORK                                     | ERATION                                     | PERMIT NO: D-0      | DH 25                                 |
|---|--|---|---------------------|---------------------------------------|
| ADDRESS: 43521 MAY HU   | 16H Hi                                     | LC ROA THE                                  | 5<br>DISCOVERY DATE | G:                                    |
| BEALLSVILLE, O  | 410 43%                                    | ) <i>i E</i>                                | 10.00 p.m. Aug.     | 23 , 19 2005                          |
| APPLICABLE STATUTE, RULE, OR PERM   | IIT CONDITIO                               | N: O.R.C. 1513.02(D)(1);                    | ~                   |                                       |
| DESCRIPTION OF VIOLATION, CONDITION HEALTH OR SAFETY OF THE PUBLIC, SIGNIFICANT, IMMINENT ENVIRONMENT | ON, OR PRACT<br>OR IS CAUSIN<br>ITAL HARM: | ICE THAT IS CREATING<br>IG, OR CAN REASONAL | AN IMMINENT DA      | NGER TO THE                           |
| The operator failed to conduct coal   | mining operat                              | iong go as to prevo                         | ut additional       |                                       |
| contributions of suspended solids   | to stroomf                                 | www cutside the permi                       | + by allowery th    | <u> </u>                              |
| uscoutività discharge of coal stor  | cy into Cap                                | tina Creek,                                 |                     |                                       |
|   | <u></u>                                    |   |                     |                                       |
| 8)26/05 (A) REMEDIAL ACTION & ABATEMENT 7  between D.425 & D.360 DALA a.                              |  |   | ·                   | p;pdines                              |
| . (modified 8/20/05 see attachment)   |  | TIME: 4:00 à                                | DATE: 8-2           | 3 31725                               |
| (B) REMEDIAL ACTION & ABATEMENT   | TIME: Work                                 | `   |                     | 1                                     |
| the draw-up and restaution of t   | _  | •   |                     |                                       |
| lighterbood as a result of the storry   |  |   |                     |                                       |
| ,   |  | TIME: 4:00                                  | DATE: S-2           | 28- 3005                              |
| SERVED TO: Ly M. Manny  | 8/23/25-<br>BY:                            | Authorized Refreservative                   | TIME: 4 / (a.m.     | DATE 5-23-09                          |
| EXTENDED TO: 5:00 000. 10.  | -12,200                                    | 5 (XLEXTENDED TO: S                         | 100 -a-m. //        | -15.13005                             |
| Served to:  | _ Date:                                    | Served to: Mailed                           | 10/27/05            | Date:                                 |
| By: Je trital   | Date: 9-13-                                | OBy: J. Jostef                              | 1                   | Date: 10-13-05                        |
|   |  |   |                     |                                       |
| MODIFIED: August 26   | , 1/9 2005                                 | To: Ky M Mls                                | By: J. T.           | May                                   |
| ( ) NON-COMPLIANCE:p.m  | ,19 <sup>Mail</sup>                        | ed 09/ <b>1</b> 6/05<br>To:                 | By:                 |                                       |
| EXTENDED TO: 5:00 a.m. 1-5  | 20 200                                     | EXTENDED TO:                                | 00 9                | 130 3006                              |
| Served to: Mailed 11/23/05  |  | Served to: Maifed                           | 03-31-06            | Date:                                 |
| Bu fital  | _ Date: 1/-21                              | 05By: J. Pula                               | a.m.                | Date: <u>3 \$7</u> 6                  |
| EXTENDED TO: 5,00 3-3   | 20 200                                     | EXTENDED TO:                                | p.m                 | , 19                                  |
| Served to: Dayers 02/09/  |  | Served to:                                  |                     | Date:                                 |
| By: J. J. Carle J. Faped 3/   | Date 3 3                                   | 96By:                                       |                     | Date:                                 |
| TARCELLA III.   | , 19                                       | _ To:                                       | By:                 | · · · · · · · · · · · · · · · · · · · |
| non-compliance:p.m  | , 19                                       | _ To:                                       | By:                 |                                       |
| Cessation Order Issued? yes   | no.  | If no, explain                              |                     |                                       |
| VACATED:  | , 19                                       | _ To:                                       | By:                 |                                       |
| TERMINATED:   | , 19                                       | _ To:                                       | By:                 |                                       |
|   |  |   |                     |                                       |

See reverse side for Civil Penalty Assessments, Failure to Comply and Instructions for Appeal.